

Assembly Bill No. 248

Passed the Assembly August 30, 2002

Chief Clerk of the Assembly

Passed the Senate August 29, 2002

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER _____

An act to amend Sections 7581, 7582.2, 7583.2, 7583.6, 7583.7, 7583.8, 7583.9, 7583.11, 7583.34, 7583.36, and 7587.7 of the Business and Professions Code, relating to private security services.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, Correa. Private security services.

(1) Existing law authorizes the Director of Consumer Affairs to adopt and enforce reasonable rules regarding persons employed by any lawful business as security guards or patrolpersons. Existing law requires specified uniformed employees acting as a security guard or a patrolperson and carrying a deadly weapon to register with the Bureau of Security and Investigative Services.

This bill would expand the scope of these provisions to include public agencies that employ security guards or patrolpersons. The bill would require an employee acting as a security guard or patrolperson to register with the bureau, including employees not carrying a deadly weapon.

(2) Existing law provides that statutory provisions governing the licensing and regulation of private security services do not apply to individuals who are exclusively and regularly employed by an employer who does not provide contract security services for other entities or persons if the employee does not carry a deadly weapon.

This bill would on January 1, 2004, subject individuals who do not carry deadly weapons but are exclusively and regularly employed by an employer that does not provide contract security services for other entities or persons to the provisions governing the licensing and regulation of private security services.

(3) Existing law prohibits persons licensed as a private patrol operator from, among other things, failing to maintain accurate records of firearms in their possession, failing to maintain accurate records on employees, and failing to inform the director in a written report about the discharge of a firearm within 7 days of the incident.

This bill would extend these conditions to any lawful business or public agency that employs security guards.



(4) Existing law requires a person who begins working for a licensee as a security guard or patrolperson to complete a course regarding the power to arrest.

This bill would additionally require any person who begins working for any lawful business or public agency as a security guard or patrolperson to complete a course regarding the power to arrest.

(5) Existing law requires private patrol operators to provide a copy of a guidebook regarding the power to arrest to individuals the operator currently employs or intends to hire as a security guard.

This bill would additionally require any lawful business or public agency to supply this book to its registered security guards or any person it intends to hire as a registered security guard.

(6) Existing law prohibits an employee of a licensee who acts as a security guard or patrolperson from having a registration card until the department receives proof that the employee has been certified regarding the power to arrest. Existing law does, however, authorize an employee of a licensee to receive a temporary registration card that indicates the employee has completed the course regarding the power to arrest if certain conditions are met.

This bill would additionally prohibit an employee of a lawful business or public agency acting as a security guard or patrolperson from having a registration card until the department receives proof that the employee has been certified regarding the power to arrest. The bill would authorize an employee of a licensee, lawful business, or public agency to receive a temporary registration card that indicates the employee has completed the course regarding the power to arrest if certain conditions are met.

(7) Existing law requires an employee of a private patrol operator who acts as a security guard or patrolperson to register with the bureau on a form prescribed by the bureau.

This bill would require an employee of a lawful business or public agency who acts as a security guard or patrolperson to register with the bureau.

(8) Existing law prohibits a licensee from allowing an employee to carry a baton, tear gas, or any other nonlethal chemical agent unless the employee is proficient in the use of a baton, tear gas, or nonlethal chemical agent.



This bill would additionally prohibit any lawful business or public agency that employs registered security guards from allowing a registered security guard to carry a baton, tear gas, or any other nonlethal chemical agent unless the registered security guard is proficient in the use of a baton, tear gas, or nonlethal chemical agent.

(9) Existing law authorizes the director to issue a citation to a licensee, including a corporation, if the director determines a licensee has violated specified provisions regarding private security services. Existing law provides a citation recipient with a review and appeal process.

This bill would authorize the director to issue a citation to a lawful business or public agency if the director determines the lawful business or public agency has violated specified provisions regarding private security services. The bill would provide a review and appeal process to any lawful business or public agency that received a citation from the director.

(10) Because a violation of the provisions of the bill relating to private security services would be a crime, the bill would impose a state-mandated local program.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(12) The bill would incorporate additional changes in Sections 7581, 7583.2, 7583.6, 7583.7, 7583.8, and 7583.9 of the Business and Professions Code proposed by AB 1840, AB 2780, AB 2880, and SB 1241, to be operative only if any or all of the other bills are enacted and become effective on or before January 1, 2003, and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 7581 of the Business and Professions Code is amended to read:

7581. The director may adopt and enforce reasonable rules, as follows:



(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including, but not limited to, persons employed by any lawful business or public agency as security guards or patrolpersons, and armored contract carriers and limiting the field and scope of the operations of a licensee to those in which he or she is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) Establishing the qualifications that any person employed by a private patrol operator, any lawful business, or public agency as a security guard or patrolperson, or employed by an armored contract carrier, must meet as a condition of becoming eligible to carry firearms pursuant to subdivision (d) of Section 12031 of the Penal Code.

(e) Requiring each employee of a private patrol operator and each armored vehicle guard, as defined in this chapter, and any other person employed and compensated by a private patrol operator, any lawful business, or a public agency as a security guard or patrolperson to be registered with the bureau upon application on a form prescribed by the director accompanied by the registration fee and by two classifiable sets of fingerprints of the applicant or its equivalent as determined by the director and approved by the Department of Justice, establishing the term of the registration for a period of not less than two nor more than four years, and providing for the renewal thereof upon proper application and payment of the renewal fee. The director may, after opportunity for a hearing, refuse this registration to any person who lacks good moral character, and may impose reasonable additional requirements as are necessary to meet local needs that are not inconsistent with the provisions of this chapter.

(f) Establishing procedures whereby the local authorities of any city, county, or city and county may file charges with the director alleging that any registered security guard or patrolperson, or anyone who is an applicant for registration, with the bureau fails to meet standards for registration, and providing further for the investigation of the charges.



(g) Requiring private patrol operators and any lawful business or public agency to maintain detailed records identifying all firearms in their possession or under their control, and the employees or persons authorized to carry or have access to those firearms.

SEC. 1.5. Section 7581 of the Business and Professions Code is amended to read:

7581. The director may adopt and enforce reasonable rules, as follows:

(a) Classifying licensees according to the type of business regulated by this chapter in which they are engaged, including, but not limited to, persons employed by any lawful business or a public agency as security guards or patrolpersons, and armored contract carriers and limiting the field and scope of the operations of a licensee to those in which he or she is classified and qualified to engage.

(b) Fixing the qualifications of licensees and managers, in addition to those prescribed in this chapter, necessary to promote and protect the public welfare.

(c) Carrying out generally the provisions of this chapter, including regulation of the conduct of licensees.

(d) Establishing the qualifications that any person employed by a private patrol operator, any lawful business, or a public agency as a security guard or patrolperson, or employed by an armored contract carrier, must meet as a condition of becoming eligible to carry firearms pursuant to subdivision (d) of Section 12031 of the Penal Code.

(e) Requiring each employee of a private patrol operator and each armored vehicle guard, as defined in this chapter, and any other person employed and compensated by a private patrol operator, any lawful business, or public agency as a security guard or patrolperson to be registered with the bureau upon application on a form prescribed by the director accompanied by the registration fee and by two classifiable sets of fingerprints of the applicant or its equivalent as determined by the director and approved by the Department of Justice, establishing the term of the registration for a period of not less than two nor more than four years, and providing for the renewal thereof upon proper application and payment of the renewal fee. The director may, after opportunity for a hearing, refuse this registration to any



person who lacks good moral character, and may impose reasonable additional requirements as are necessary to meet local needs that are not inconsistent with the provisions of this chapter.

(f) Establishing procedures whereby the local authorities of any city, county, or city and county may file charges with, or any person in this state, may file a complaint with the director alleging that any licensed private patrol operator, registered security guard, or patrolperson, or anyone who is an applicant for registration or licensure with the bureau, fails to meet standards for registration or licensure, or violates any provision of this chapter, and providing further for the investigation of the charges and a response to the charging or complaining party in the manner described in subdivision (b) of Section 129.

(g) Requiring private patrol operators and any lawful business or public agency to maintain detailed records identifying all firearms in their possession or under their control, and the employees or persons authorized to carry or have access to those firearms.

SEC. 2. Section 7582.2 of the Business and Professions Code is amended to read:

7582.2. This chapter does not apply to:

(a) A person employed exclusively and regularly by any employer who does not provide contract security services for other entities or persons, in connection with the affairs of the employer only and where there exists an employer-employee relationship if that person at no time carries or uses any deadly weapon in the performance of his or her duties. For purposes of this subdivision, “deadly weapon” is defined to include any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club. This subdivision shall be inoperative on January 1, 2004. Prior to January 1, 2004, the Employment Development Department shall notify businesses registered with the Employment Development Department regarding the need for employees acting as security guards or patrol persons to register with the bureau, including employees who do not carry a deadly weapon.



(b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the officer or employee is engaged in the performance of his or her official duties, including uniformed peace officers employed part time by a public agency pursuant to a written agreement between a chief of police or sheriff and the public agency, provided the part-time employment does not exceed 50 hours in any calendar month.

(c) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this state that is organized and maintained for the public good and not for private profit.

(e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 18 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his or her duties as an attorney at law.

(g) A collection agency or an employee thereof while acting within the scope of his or her employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them.

(i) Any bank subject to the jurisdiction of the Commissioner of Financial Institutions of the State of California under Division 1 (commencing with Section 99) of the Financial Code or the Comptroller of Currency of the United States.

(j) A person engaged solely in the business of securing information about persons or property from public records.



(k) A peace officer of this state or a political subdivision thereof while the peace officer is employed by a private employer to engage in off-duty employment in accordance with Section 1126 of the Government Code. However, nothing herein shall exempt a peace officer who either contracts for his or her services or the services of others as a private patrol operator or contracts for his or her services as or is employed as an armed private security officer. For purposes of this subdivision, “armed security officer” means an individual who carries or uses a firearm in the course and scope of that contract or employment.

(l) A retired peace officer of the state or political subdivision thereof when the retired peace officer is employed by a private employer in employment approved by the chief law enforcement officer of the jurisdiction where the employment takes place, provided that the retired officer is in a uniform of a public law enforcement agency, has registered with the bureau on a form approved by the director, and has met any training requirements or their equivalent as established for security personnel under Section 7583.5. This officer may not carry a loaded or concealed firearm unless he or she is exempted under the provisions of subdivision (a) of Section 12027 of the Penal Code or paragraph (1) of subdivision (b) of Section 12031 of the Penal Code or has met the requirements set forth in Section 12033 of the Penal Code. However, nothing herein shall exempt the retired peace officer who contracts for his or her services or the services of others as a private patrol operator.

(m) A licensed insurance adjuster in performing his or her duties within the scope of his or her license as an insurance adjuster.

(n) Any savings association subject to the jurisdiction of the Commissioner of Financial Institutions or the Office of Thrift Supervision.

(o) Any secured creditor engaged in the repossession of the creditor’s collateral and any lessor engaged in the repossession of leased property in which it claims an interest.

(p) A peace officer in his or her official police uniform acting in accordance with subdivisions (c) and (d) of Section 70 of the Penal Code.

SEC. 3. Section 7583.2 of the Business and Professions Code is amended to read:



7583.2. A licensed private patrol operator, lawful business, or public agency that employs a security guard registered pursuant to this chapter shall do the following:

(a) Maintain an accurate and current record of all firearms or other deadly weapons that are in the possession of the licensee, lawful business, public agency, or of any employee while on duty. Within seven days after a licensee, lawful business, public agency, or his or her employees discover that a deadly weapon which has been recorded as being in his or her possession has been misplaced, lost, or stolen, or in any other way missing, the licensee or his or her manager, lawful business, or public agency shall mail or deliver to any local law enforcement agency who has jurisdiction, a written report concerning the incident. The report shall describe fully the circumstances surrounding the incident, any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.

(b) Maintain an accurate and current record of the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated.

(c) Maintain an accurate and current record of proof of completion by each employee of the licensee, lawful business, or public agency of the course of training in the exercise of the power to arrest as required by Section 7583.5.

(d) Certify an employee's completion of the course of training in the exercise of the power to arrest prior to placing the employee at a duty station.

(e) Certify proof of current and valid registration for each employee who is subject to registration or fail to comply with the provisions of Section 7583.11 if employing an individual who does not possess a current and valid registration from the bureau.

(f) Certify within three business days after assigning an employee to work with a temporary registration card that the employee has submitted fingerprint cards as required by Section 7583.9.

(g) Prohibit an employee from carrying a firearm or other deadly weapon until first ascertaining that the employee is proficient in the use of each weapon to be carried. With respect to firearms, evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that



the employee is proficient in the use of that specified caliber of firearm and a current and valid firearm qualification permit issued by the department. With respect to other deadly weapons, evidence of proficiency shall include a certificate from a training facility approved by the director certifying that the employee is proficient in the use of that particular deadly weapon.

(h) Deliver to the director a written report describing fully the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee, lawful business, or public agency while acting within the course and scope of his or her employment within seven days after the incident. For the purposes of this subdivision, a report shall be required only for physical altercations that result in any of the following: (1) the arrest of a security guard, (2) the filing of a police report by a member of the public, (3) injury on the part of a member of the public that requires medical attention, or (4) the discharge, suspension, or reprimand of a security guard by his or her employer. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. Any report may be investigated by the director to determine if any disciplinary action is necessary.

(i) (1) Notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

(2) This subdivision shall not apply to any lawful business or public agency that employs registered security guards.

SEC. 3.3. Section 7583.2 of the Business and Professions Code is amended to read:

7583.2. A licensed private patrol operator, lawful business, or public agency that employs a security guard registered pursuant to this chapter shall do the following:

(a) Maintain an accurate and current record of all firearms or other deadly weapons that are in the possession of the licensee, lawful business, public agency, or of any employee while on duty. Within seven days after a licensee, lawful business, public agency, or his or her employees discover that a deadly weapon that has been recorded as being in his or her possession has been misplaced, lost, or stolen, or is in any other way missing, the licensee or his



or her manager, lawful business, or public agency shall mail or deliver to any local law enforcement agency that has jurisdiction, a written report concerning the incident. The report shall describe fully the circumstances surrounding the incident, any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.

(b) Maintain an accurate and current record of the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated.

(c) Maintain an accurate and current record of proof of completion by each employee of the licensee, lawful business, or public agency of the course of training in the exercise of the power to arrest as required by Section 7583.5.

(d) Certify an employee's completion of the course of training in the exercise of the power to arrest prior to placing the employee at a duty station.

(e) Certify proof of current and valid registration for each employee who is subject to registration.

(f) Prohibit an employee from carrying a firearm or other deadly weapon until first ascertaining that the employee is proficient in the use of each weapon to be carried. With respect to firearms, evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that the employee is proficient in the use of that specified caliber of firearm and a current and valid firearm qualification permit issued by the department. With respect to other deadly weapons, evidence of proficiency shall include a certificate from a training facility approved by the director certifying that the employee is proficient in the use of that particular deadly weapon.

(g) Deliver to the director a written report describing fully the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee, lawful business, or public agency while acting within the course and scope of his or her employment within seven days after the incident. For the purposes of this subdivision, a report shall be required only for physical altercations that result in any of the following: (1) the arrest of a security guard, (2) the filing of a police report by a member of the public, (3) injury on the part of



a member of the public that requires medical attention, or (4) the discharge, suspension, or reprimand of a security guard by his or her employer. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. Any report may be investigated by the director to determine if any disciplinary action is necessary.

(h) (1) Notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

(2) This subdivision shall not apply to any lawful business or public agency that employs registered security guards.

SEC. 3.5. Section 7583.2 of the Business and Professions Code is amended to read:

7583.2. A licensed private patrol operator, lawful business, or public agency that employs a security guard registered pursuant to this chapter shall do the following:

(a) Maintain an accurate and current record of all firearms or other deadly weapons that are in the possession of the licensee, lawful business, public agency, or of any employee while on duty. Within seven days after a licensee, lawful business, or public agency or his or her employees discover that a deadly weapon that has been recorded as being in his or her possession has been misplaced, lost, or stolen, or in any other way missing, the licensee or his or her manager, lawful business, public agency shall mail or deliver to any local law enforcement agency that has jurisdiction, a written report concerning the incident. The report shall describe fully the circumstances surrounding the incident, any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.

(b) Maintain an accurate and current record of the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated.

(c) Maintain an accurate and current record of proof of completion by each employee of the licensee, lawful business, or public agency of the course of training in the exercise of the power to arrest as required by Section 7583.5, the security officer skills training required by subdivision (b) of Section 7583.6, and the



annual practice and review required by subdivision (f) of Section 7583.6.

(d) Certify an employee's completion of the course of training in the exercise of the power to arrest prior to placing the employee at a duty station.

(e) Certify proof of current and valid registration for each employee who is subject to registration or fail to comply with the provisions of Section 7583.11 if employing an individual who does not possess a current and valid registration from the bureau.

(f) Certify within three business days after assigning an employee to work with a temporary registration card that the employee has submitted fingerprint cards as required by Section 7583.9.

(g) Prohibit an employee from carrying a firearm or other deadly weapon until first ascertaining that the employee is proficient in the use of each weapon to be carried. With respect to firearms, evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that the employee is proficient in the use of that specified caliber of firearm and a current and valid firearm qualification permit issued by the department. With respect to other deadly weapons, evidence of proficiency shall include a certificate from a training facility approved by the director certifying that the employee is proficient in the use of that particular deadly weapon.

(h) Deliver to the director a written report describing fully the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee, lawful business, or public agency while acting within the course and scope of his or her employment within seven days after the incident. For the purposes of this subdivision, a report shall be required only for physical altercations that result in any of the following: (1) the arrest of a security guard, (2) the filing of a police report by a member of the public, (3) injury on the part of a member of the public that requires medical attention, or (4) the discharge, suspension, or reprimand of a security guard by his or her employer. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.



Any report may be investigated by the director to determine if any disciplinary action is necessary.

(i) (1) Notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

(2) This subdivision shall not apply to any lawful business or public agency that employs registered security guards.

(j) Fail to administer to each registered employee of the licensee, the review or practice training required by subdivision (f) of Section 7583.6.

SEC. 3.7. Section 7583.2 of the Business and Professions Code is amended to read:

7583.2. A licensed private patrol operator, lawful business, or public agency that employs a security guard registered pursuant to this chapter shall do the following:

(a) Maintain an accurate and current record of all firearms or other deadly weapons that are in the possession of the licensee, lawful business, public agency, or of any employee while on duty. Within seven days after a licensee, lawful business, public agency, or his or her employees discover that a deadly weapon that has been recorded as being in his or her possession has been misplaced, lost, or stolen, or is in any other way missing, the licensee or his or her manager, lawful business, or public agency shall mail or deliver to any local law enforcement agency that has jurisdiction, a written report concerning the incident. The report shall describe fully the circumstances surrounding the incident, any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted.

(b) Maintain an accurate and current record of the name, address, commencing date of employment, and position of each employee, and the date of termination of employment when an employee is terminated.

(c) Maintain an accurate and current record of proof of completion by each employee of the licensee, lawful business, or public agency of the course of training in the exercise of the power to arrest as required by Section 7583.5, the security officer skills training required by subdivision (b) of Section 7583.6, and the annual practice and review required by subdivision (f) of Section 7583.6.



(d) Certify an employee's completion of the course of training in the exercise of the power to arrest prior to placing the employee at a duty station.

(e) Certify proof of current and valid registration for each employee who is subject to registration.

(f) Prohibit an employee from carrying a firearm or other deadly weapon until first ascertaining that the employee is proficient in the use of each weapon to be carried. With respect to firearms, evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that the employee is proficient in the use of that specified caliber of firearm and a current and valid firearm qualification permit issued by the department. With respect to other deadly weapons, evidence of proficiency shall include a certificate from a training facility approved by the director certifying that the employee is proficient in the use of that particular deadly weapon.

(g) Deliver to the director a written report describing fully the circumstances surrounding the discharge of any firearm, or physical altercation with a member of the public while on duty, by a licensee or any officer, partner, or employee of a licensee, lawful business, or public agency while acting within the course and scope of his or her employment within seven days after the incident. For the purposes of this subdivision, a report shall be required only for physical altercations that result in any of the following: (1) the arrest of a security guard, (2) the filing of a police report by a member of the public, (3) injury on the part of a member of the public that requires medical attention, or (4) the discharge, suspension, or reprimand of a security guard by his or her employer. The report shall include, but not be limited to, a description of any injuries or damages incurred, the identity of all participants, and whether a police investigation was conducted. Any report may be investigated by the director to determine if any disciplinary action is necessary.

(h) (1) Notify the bureau in writing and within 30 days that a manager previously qualified pursuant to this chapter is no longer connected with the licensee.

(2) This subdivision shall not apply to any lawful business or public agency that employs registered security guards.



(j) Fail to administer to each registered employee of the licensee, the review or practice training required by subdivision (f) of Section 7583.6.

SEC. 4. Section 7583.6 of the Business and Professions Code is amended to read:

7583.6. (a) A person entering the employ of a licensee, any lawful business, or a public agency to perform the functions of a security guard or a security patrolperson shall complete a course in the exercise of the power to arrest prior to being assigned to a duty location.

(b) This section shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power of arrest.

SEC. 4.5. Section 7583.6 of the Business and Professions Code is amended to read:

7583.6. (a) A person entering the employ of a licensee, any lawful business, or a public agency to perform the functions of a security guard or a security patrolperson shall complete a course in the exercise of the power to arrest prior to being assigned to a duty location.

(b) This section shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power to arrest.

(c) The department shall develop and approve by regulation a standard course and curriculum for security officer skills training, as will be required on and after July 1, 2004, to promote and protect the safety of persons and the security of property. For this purpose, the department shall consult with consumers, labor organizations representing private security officers, private patrol operators, educators, and subject matter experts.

(d) This section shall remain in effect only until July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends those dates.

SEC. 4.7. Section 7583.6 is added to the Business and Professions Code, to read:

7583.6. (a) A person entering the employ of a licensee, any lawful business, or a public agency to perform the functions of a



security guard or a security patrolperson shall complete a course in the exercise of the power to arrest prior to being assigned to a duty location.

(b) Except for a registrant who has completed the course of training required by Section 7583.45, a person registered pursuant to this chapter shall complete not less than 32 hours of training in security officer skills within six months from the day the registration card is issued. Sixteen of the 32 hours must be completed within 30 days from the day the registration card is issued.

(c) A course provider shall issue a certificate to a security guard upon satisfactory completion of a required course, conducted in accordance with the department's requirements. A private patrol operator may provide training programs and courses in addition to the training required in this section.

(d) The department shall develop and approve by regulation a standard course and curriculum for the skills training required by subdivision (b) to promote and protect the safety of persons and the security of property. For this purpose, the department shall consult with consumers, labor organizations representing private security officers, private patrol operators, educators, and subject matter experts.

(e) The course of training required by subdivision (b) may be administered, tested, and certified by any licensee, or by any organization or school approved by the department. The department may approve any person or school to teach the course.

(f) (1) On and after January 1, 2005, a licensee shall annually provide each employee registered pursuant to this chapter with eight hours of specifically dedicated review or practice of security officer skills prescribed in either course required in Section 7583.6 or 7583.7.

(2) A licensee shall maintain at the principal place of business or branch office a record verifying completion of the review or practice training for a period of not less than two years. The records shall be available for inspection by the bureau upon request.

(g) This section shall not apply to a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has successfully completed a course of study in the exercise of the power to arrest approved by the Commission on Peace Officer Standards and Training.



(h) This section shall become operative on July 1, 2004.

SEC. 5. Section 7583.7 of the Business and Professions Code is amended to read:

7583.7. (a) The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately three hours in length and shall cover the following topics:

(1) Responsibilities and ethics in citizen arrest.

(2) Relationship between a security guard and a peace officer in making an arrest.

(3) Limitations on security guard power to arrest.

(4) Restrictions on searches and seizures.

(5) Criminal and civil liabilities.

(A) Personal liability.

(B) Employer liability.

(6) Any other topic deemed appropriate by the bureau.

(b) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.

(c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest. The department shall encourage additional training and may provide a training guide recommending additional courses to be taken by security personnel.

(d) Private patrol operators, or any lawful business or public agency that employs a security guard registered pursuant to this chapter shall provide a copy of the guidebook described in subdivision (c) to each person they currently employ as a security guard and to each individual they intend to hire as a security guard. The private patrol operator, lawful business, or public agency shall provide the guidebook to each person he or she intends to hire as a security guard a reasonable time prior to the time the person begins the course in the exercise of the power to arrest.

(e) The bureau may inspect, supervise, or view the administration of the test at any time and without any prior notification. Any impropriety in the administration of the course or the test shall constitute grounds for disciplinary action.



SEC. 5.5. Section 7583.7 of the Business and Professions Code is amended to read:

7583.7. (a) The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee or by any organization or school approved by the department. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately three hours in length and shall cover the following topics:

- (1) Responsibilities and ethics in citizen arrest.
- (2) Relationship between a security guard and a peace officer in making an arrest.
- (3) Limitations on security guard power to arrest.
- (4) Restrictions on searches and seizures.
- (5) Criminal and civil liabilities.
 - (A) Personal liability.
 - (B) Employer liability.
- (6) Any other topic deemed appropriate by the bureau.
 - (b) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.
 - (c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest. The department shall encourage additional training and may provide a training guide recommending additional courses to be taken by security personnel.
 - (d) Private patrol operators, or any lawful business or public agency that employs a security guard registered pursuant to this chapter shall provide a copy of the guidebook described in subdivision (c) to each person that they currently employ as a security guard and to each individual that they intend to hire as a security guard. The private patrol operator, lawful business, or public agency shall provide the guidebook to each person he or she intends to hire as a security guard a reasonable time prior to the time the person begins the course in the exercise of the power to arrest.
 - (e) The bureau may inspect, supervise, or view the administration of the test at any time and without any prior notification. Any impropriety in the administration of the course or the test shall constitute grounds for disciplinary action.



(f) This section shall remain in effect only until July 1, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends those dates.

SEC. 5.7. Section 7583.7 is added to the Business and Professions Code, to read:

7583.7. (a) The course of training in the exercise of the power to arrest may be administered, tested, and certified by any licensee or by any organization or school approved by the department. The department may approve any person or school to teach the course in the exercise of the power to arrest. The course of training shall be approximately eight hours in length and shall cover the following topics:

- (1) Responsibilities and ethics in citizen arrest.
 - (2) Relationship between a security guard and a peace officer in making an arrest.
 - (3) Limitations on security guard power to arrest.
 - (4) Restrictions on searches and seizures.
 - (5) Criminal and civil liabilities.
 - (A) Personal liability.
 - (B) Employer liability.
 - (6) Trespass law.
 - (7) Ethics and communications.
 - (8) Emergency situation response, including response to medical emergencies.
 - (9) Security officer safety.
 - (10) Any other topic deemed appropriate by the bureau.
- (b) The majority of the course shall be taught by means of verbal instruction. This instruction may include the use of a video presentation.
- (c) The department shall make available a guidebook as a standard for teaching the course in the exercise of the power to arrest. The department shall encourage additional training and may provide a training guide recommending additional courses to be taken by security personnel.
- (d) Private patrol operators, or any lawful business or public agency that employs a security guard registered pursuant to this chapter shall provide a copy of the guidebook described in subdivision (c) to each person that they currently employ as a security guard and to each individual that they intend to hire as a



security guard. The private patrol operator, lawful business, or public agency shall provide the guidebook to each person he or she intends to hire as a security guard a reasonable time prior to the time the person begins the course in the exercise of the power to arrest.

(e) The bureau may inspect, supervise, or view the administration of the test at any time and without any prior notification. Any impropriety in the administration of the course or the test shall constitute grounds for disciplinary action.

(f) This section shall become operative on July 1, 2004.

SEC. 6. Section 7583.8 of the Business and Professions Code is amended to read:

7583.8. No employee of a licensee, lawful business, or public agency who performs the function of a security guard or security patrolperson shall be issued a registration card until proper certification by the instructor that the exercise of the power to arrest course has been taught and the employee's certification that the instruction was received has been delivered to the department.

SEC. 6.5. Section 7583.8 of the Business and Professions Code is amended to read:

7583.8. No employee of a licensee, lawful business, or public agency who performs the function of a security guard or security patrolperson shall be issued a registration card until there is proper certification by the instructor that the exercise of the power to arrest course has been taught and the employee's certification that the instruction was received has been delivered to the department. Except as provided in subdivision (f) of Section 7583.9, no security guard registration shall be issued until a criminal history background check has been completed pursuant to subdivision (e) of Section 7583.9 and a determination has been made by the bureau.

SEC. 7. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, lawful business, or public agency, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. The Department of Justice shall forward



one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check. The applicant shall submit the application and registration fee to the bureau on or before the same business day that he or she is assigned to work as a security guard or security patrolperson performing any of the functions set forth in subdivision (a) of Section 7582.1. If the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, the applicant may submit the application and registration fee to the bureau on the first business day immediately following the Saturday, Sunday, or federal holiday. The applicant shall submit the fingerprints to the bureau within three business days after being assigned to work with a temporary registration card.

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic fingerprints as provided in this section, the Department of Justice shall determine whether the applicant has been convicted of any crime and forward the information to the bureau.

(f) The requirement of submission of fingerprint cards to the Federal Bureau of Investigation shall not apply to currently employed, full-time peace officers holding peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or to level I or level II reserve officers as described in paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the Penal Code.



(g) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(h) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

(i) “Submit,” as used in subdivision (a), means any of the following:

(1) To ensure that the application and registration fee have been received by the bureau on or before the business day that the employee is assigned to work.

(2) To ensure that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on or before the employee is assigned to work or have been deposited with a carrier performing overnight delivery services on or before the business day that the employee is assigned to work.

(3) To ensure, if the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on the first business day immediately following that Saturday, Sunday, or federal holiday or have been deposited with a carrier performing overnight delivery services on the first business day immediately following that Saturday, Sunday, or federal holiday.

SEC. 7.3. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, lawful business, or public agency, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. The applicant shall submit the application, the registration fee, and his or her fingerprints to the bureau. The bureau shall forward the classifiable fingerprint cards to the



Department of Justice. The Department of Justice shall forward one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check.

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic or hard card fingerprints as provided in this section, the Department of Justice shall disseminate the following information to the bureau:

(1) Every conviction rendered against the applicant.

(2) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(f) A currently employed, full-time peace officer holding peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a level I or level II reserve officer as described in paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the Penal Code may immediately perform the functions of a security guard or security patrolperson, provided that he or she has submitted an application, the applicable fees, and his or her fingerprints to the bureau for a security guard registration.

(g) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards



submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(h) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

SEC. 7.5. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, lawful business, or public agency, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. The Department of Justice shall forward one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check. The applicant shall submit the application and registration fee to the bureau on or before the same business day that he or she is assigned to work as a security guard or security patrolperson performing any of the functions set forth in subdivision (a) of Section 7582.1. If the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, the applicant may submit the application and registration fee to the bureau on the first business day immediately following the Saturday, Sunday, or federal holiday. The applicant shall submit the fingerprints to the bureau within three business days after being assigned to work with a temporary registration card.

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints



entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic fingerprints as provided in this section, the Department of Justice shall determine whether the applicant has been convicted of any crime and forward the information to the bureau.

(f) (1) The requirement of submission of fingerprint cards set forth in subdivision (a) shall not apply to currently employed, full-time peace officers holding peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or to level I or level II reserve officers as described in paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the Penal Code.

(2) This subdivision does not apply to a peace officer required to obtain a firearm qualification card pursuant to Section 7583.12.

(g) Peace officers exempt from the submission of classifiable fingerprints pursuant to subdivision (f) shall submit verification of their active duty peace officer status to the bureau with their application for registration. A photocopy of the front and back of their peace officer identification badge shall be adequate verification.

(h) Peace officers exempt from the submission of classifiable fingerprints pursuant to subdivision (f) shall report a change in their active duty peace officer status to the bureau within 72 hours of the change in active duty peace officer status.

(i) (1) Peace officers exempt from obtaining a firearm qualification card pursuant to subdivision (c) of Section 7583.12 shall submit to the bureau with their application for registration a letter of approval from his or her primary employer authorizing him or her to carry a firearm while working as a security guard or security officer.

(2) For purposes of this section, "primary employer" means a public safety agency currently employing a peace officer subject to this section.

(j) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed



three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(k) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

(l) “Submit,” as used in subdivision (a), means any of the following:

(1) To ensure that the application and registration fee have been received by the bureau on or before the business day that the employee is assigned to work.

(2) To ensure that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on or before the employee is assigned to work or have been deposited with a carrier performing overnight delivery services on or before the business day that the employee is assigned to work.

(3) To ensure, if the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on the first business day immediately following that Saturday, Sunday, or federal holiday or have been deposited with a carrier performing overnight delivery services on the first business day immediately following that Saturday, Sunday, or federal holiday.

SEC. 7.7. Section 7583.9 of the Business and Professions Code is amended to read:

7583.9. (a) Upon accepting employment by a private patrol operator, lawful business, or public agency, any employee who performs the function of a security guard or security patrolperson who is not currently registered with the bureau, shall complete an application for registration on a form as prescribed by the director, and obtain two classifiable fingerprint cards for submission to the Department of Justice. The applicant shall submit the application, the registration fee, and his or her fingerprints to the bureau. The bureau shall forward the classifiable fingerprint cards to the Department of Justice. The Department of Justice shall forward



one classifiable fingerprint card to the Federal Bureau of Investigation for purposes of a background check.

(b) If a private patrol operator pays the application fee on behalf of the applicant, nothing in this section shall preclude the private patrol operator from withholding the amount of the fee from the applicant's compensation.

(c) The licensee shall maintain supplies of applications and fingerprint cards that shall be provided by the bureau upon request.

(d) In lieu of classifiable fingerprint cards provided for in this section, the bureau may authorize applicants to submit their fingerprints into an electronic fingerprinting system administered by the Department of Justice. Applicants who submit their fingerprints by electronic means shall have their fingerprints entered into the system through a terminal operated by a law enforcement agency or other facility authorized by the Department of Justice to conduct electronic fingerprinting. The enforcement agency responsible for operating the terminal may charge a fee sufficient to reimburse it for the costs incurred in providing this service.

(e) Upon receipt of an applicant's electronic or hard card fingerprints as provided in this section, the Department of Justice shall disseminate the following information to the bureau:

(1) Every conviction rendered against the applicant.

(2) Every arrest for an offense for which the applicant is presently awaiting trial, whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(f) (1) A currently employed, full-time peace officer holding peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a level I or level II reserve officer as described in paragraphs (1) and (2) of subdivision (a) of Section 832.6 of the Penal Code may immediately perform the functions of a security guard or security patrolperson, provided that he or she has submitted an application, the applicable fees, and his or her fingerprints to the bureau for a security guard registration.

(2) This subdivision does not apply to a peace officer required to obtain a firearm qualification card pursuant to Section 7583.12.

(g) Peace officers exempt from the submission of classifiable fingerprints pursuant to subdivision (f) shall submit verification of



their active duty peace officer status to the bureau with their application for registration. A photocopy of the front and back of their peace officer identification badge shall be adequate verification.

(h) Peace officers exempt from the submission of classifiable fingerprints pursuant to subdivision (f) shall report a change in their active duty peace officer status to the bureau within 72 hours of the change in active duty peace officer status.

(i) (1) Peace officers exempt from obtaining a firearm qualification card pursuant to subdivision (c) of Section 7583.12 shall submit to the bureau with their application for registration a letter of approval from his or her primary employer authorizing him or her to carry a firearm while working as a security guard or security officer.

(2) For purposes of this section, “primary employer” means a public safety agency currently employing a peace officer subject to this section.

(j) In addition to the amount authorized pursuant to Section 7570.1, the bureau may impose an additional fee not to exceed three dollars (\$3) for processing classifiable fingerprint cards submitted by applicants excluding those submitted into an electronic fingerprint system using electronic fingerprint technology.

(k) An employee shall, on the first day of employment, display to the client his or her registration card if it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card upon the request of the client.

SEC. 8. Section 7583.11 of the Business and Professions Code is amended to read:

7583.11. (a) Except as provided in subdivision (b), an employee of a licensee, any lawful business, or a public agency may be assigned to work with a temporary registration card that indicates completion of the course in the exercise of the power to arrest until the bureau issues a registration card or denies the application for registration. However, a licensee, any lawful business, or a public agency shall not assign an employee to work with a temporary registration card unless the licensee, lawful business, or public agency submits the employee’s application and registration fee to the bureau on or before the same business day



that the employee is assigned to work as a security guard or security patrolperson performing any of the functions set forth in subdivision (a) of Section 7582.1. If a licensee, lawful business, or public agency assigns an employee to work with a temporary registration card on a Saturday, Sunday, or on a federal holiday, the licensee, lawful business, or public agency may submit the employee's application and registration fee to the bureau on the first business day immediately following the Saturday, Sunday, or federal holiday. A temporary registration card shall in no event be valid for more than 120 days. However, the director may extend the expiration date beyond the 120 days at any time when there is an abnormal delay in processing applications for prospective security guards. For purposes of this section, the 120-day period shall commence on the date the applicant signs the application.

(b) An employee who has been convicted of a crime prior to applying for a position as a security guard shall not be issued a temporary registration card and shall not be assigned to work as a security guard until the bureau issues a permanent registration card. This subdivision shall apply only if the applicant for registration as a security guard has disclosed the conviction to the bureau on his or her application form or if the fact of the conviction has come to the attention of the bureau through official court or other governmental documents. In no event shall the director, the department, the bureau, the chief, or the State of California be liable for any civil damages in the event of the issuance of a temporary registration if the applicant has falsified his or her application to conceal a prior criminal conviction.

(c) A temporary registration card issued pursuant to this section shall include the name, address, and license number of the private patrol operator employer or training facility that issued the temporary registration card.

(d) An employee shall, on the first day of employment, display to the client his or her registration card or temporary registration card, when it is feasible and practical to comply with this disclosure requirement. The employee shall thereafter display to the client his or her registration card or temporary registration card upon the request of the client.

(e) "Submit," as used in subdivision (a), means any of the following:



(1) To ensure that the application and registration fee have been received by the bureau on or before the business day that the employee is assigned to work.

(2) To ensure that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on or before the employee is assigned to work or have been deposited with a carrier performing overnight delivery services on or before the business day that the employee is assigned to work.

(3) To ensure, if the applicant is assigned to work on a Saturday, Sunday, or on a federal holiday, that the application and registration fee either have been mailed to the bureau and officially postmarked with a date on the first business day immediately following that Saturday, Sunday, or federal holiday or have been deposited with a carrier performing overnight delivery services on the first business day immediately following that Saturday, Sunday, or federal holiday.

(f) This section shall become inoperative on June 30, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute that is enacted before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 9. Section 7583.34 of the Business and Professions Code is amended to read:

7583.34. A licensee, or any lawful business or public agency that employs a security guard registered pursuant to this chapter shall not permit any employee to carry a baton prior to ascertaining that the employee is proficient in the use of the weapon. Evidence of proficiency shall include a certificate from a baton training facility approved by the bureau which certifies that the employee is proficient in the use of the baton.

SEC. 10. Section 7583.36 of the Business and Professions Code is amended to read:

7583.36. A licensee, or any lawful business or public agency that employs a security guard registered pursuant to this chapter shall not permit any employee to carry tear gas or any other nonlethal chemical agent prior to ascertaining that the employee is proficient in the use of tear gas or other nonlethal chemical agent. Evidence of proficiency shall include a certificate from a training facility approved by the Department of Justice or by the Commission on Peace Officers Standards and Training that the



person is proficient in the use of tear gas or any other nonlethal chemical agent.

SEC. 11. Section 7587.7 of the Business and Professions Code is amended to read:

7587.7. If, upon investigation, the director determines a licensee, including a corporation, or registrant, or any lawful business or public agency that employs a security guard registered pursuant to this chapter is in violation of Section 7583.2, 7583.3, 7583.37, 7585.19, 7587.2, or 7587.14, the director may issue a citation to the licensee, registrant, lawful business, or public agency. The citation shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated. If the director deems it appropriate, the citation may contain an order of abatement fixing a reasonable time for abatement of the violation and may contain an assessment of an administrative fine. The amount of the fine shall in no event exceed two thousand five hundred dollars (\$2,500) or as otherwise provided in this chapter, whichever is less.

A citation or fine assessment shall inform the licensee, registrant, lawful business, or public agency that if he or she contests the finding of a violation, he or she may request a review by a disciplinary review committee in accordance with Section 7581.3. If a review is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. If a review is not allowed under this chapter, a licensee, registrant, lawful business, or public agency may request a hearing in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code if he or she wishes to contest the findings of a violation, and if a hearing is not requested, payment of any fines shall not constitute an admission of the violation charged.

If the licensee or registrant neither requests a review, nor pays the assessed fine within 30 days of the assessment, the license or registration of the person shall not be renewed pursuant to the provisions of this chapter until the assessed fine is paid.

Administrative fines collected pursuant to this article shall be deposited in the Private Security Services Fund, which fund is hereby created to carry out the purposes of this chapter.



SEC. 12. Section 1.5 of this bill incorporates amendments to Section 7581 of the Business and Professions Code proposed by both this bill and AB 2780. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7581 of the Business and Professions Code, and (3) this bill is enacted after AB 2780, in which case Section 1 of this bill shall not become operative.

SEC. 13. (a) Section 3.3 of this bill incorporates amendments to Section 7583.2 of the Business and Professions Code proposed by both this bill and SB 1241. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.2 of the Business and Professions Code, (3) AB 2880 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 1241, in which case Sections 3, 3.5, and 3.7 of this bill shall not become operative.

(b) Section 3.5 of this bill incorporates amendments to Section 7583.2 of the Business and Professions Code proposed by both this bill and AB 2880. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.2 of the Business and Professions Code, (3) SB 1241 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 2880, in which case Sections 3, 3.3, and 3.7 of this bill shall not become operative.

(c) Section 3.7 of this bill incorporates amendments to Section 7583.2 of the Business and Professions Code proposed by this bill, SB 1241, and AB 2880. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2003, (2) all three bills amend Section 7583.2 of the Business and Professions Code, and (3) this bill is enacted after SB 1241, and AB 2880, in which case Sections 3, 3.3, and 3.5 of this bill shall not become operative.

SEC. 14. Section 4.5 of this bill incorporates amendments to Section 7583.6 of the Business and Professions Code proposed by both this bill and AB 2880. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.6 of the Business and Professions Code, and (3) this bill is enacted after AB 2880, in which case Section 4 of this bill shall not become operative.



SEC. 15. Section 4.7 of this bill incorporates amendments to Section 7583.6 of the Business and Professions Code proposed by both this bill and AB 2880. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.6 of the Business and Professions Code, and (3) this bill is enacted after AB 2880, in which case Section 4 of this bill shall not become operative.

SEC. 16. Section 5.5 of this bill incorporates amendments to Section 7583.7 of the Business and Professions Code proposed by both this bill and AB 2880. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.7 of the Business and Professions Code, and (3) this bill is enacted after AB 2880, in which case Section 5 of this bill shall not become operative.

SEC. 17. Section 5.7 of this bill incorporates amendments to Section 7583.7 of the Business and Professions Code proposed by both this bill and AB 2880. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.7 of the Business and Professions Code, and (3) this bill is enacted after AB 2880, in which case Section 5 of this bill shall not become operative.

SEC. 18. Section 6.5 of this bill incorporates amendments to Section 7583.8 of the Business and Professions Code proposed by both this bill and SB 1241. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.8 of the Business and Professions Code, and (3) this bill is enacted after SB 1241, in which case Section 6 of this bill shall not become operative.

SEC. 19. (a) Section 7.3 of this bill incorporates amendments to Section 7583.9 of the Business and Professions Code proposed by both this bill and SB 1241. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.9 of the Business and Professions Code, (3) AB 1840 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 1241, in which case Sections 7, 7.5, and 7.7 of this bill shall not become operative.

(b) Section 7.5 of this bill incorporates amendments to Section 7583.9 of the Business and Professions Code proposed by both this bill and AB 1840. It shall only become operative if (1) both bills



are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 7583.9 of the Business and Professions Code, (3) SB 1241 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 1840, in which case Sections 7, 7.3, and 7.7 of this bill shall not become operative.

(c) Section 7.7 of this bill incorporates amendments to Section 7583.9 of the Business and Professions Code proposed by this bill, SB 1241, and AB 1840. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 2003, (2) all three bills amend Section 7583.9 of the Business and Professions Code, and (3) this bill is enacted after SB 1241, and AB 1840, in which case Sections 7, 7.3, and 7.5 of this bill shall not become operative.

SEC. 20. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 2002

Governor

